1942 45-41 Serial No. 1
(Legis)

Previous references.

Later references.

(96)

PRESERVED

Office of the Secretary to the Representative Assembly and Legislative Council

Manuscript

8th May 1942

SUBJECT.

The Mysore Railways (Amendment) Act 1942

To.

The compiler Mysore Gazette

Order No P. 1324- Legis 45-41-1 dated 27-1-42

Orders the publication of the Act as Act

No XIV of 1942

Attaran an affe

25-5-42

WD 04023—GPB—1,000- 12-9-41

RAILWAY SECRETARIAT.

( )

NOTES.

File No.

FILE HEADING.

Amendments to the Mysore State Railway Act.

FROM **The General Manager, Mysore State Railway, Mysore.**

No. **1048.** Dated **4-6-1941.** Received **5-6-1941.**

Diary No. **2566.**	Enclos.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER.

Requests that the amendments to the Indian Railway Act issued by the Railway Board in their letter No.1979-T, dated 14-4-1941 and also the rules under the amendment, may be published in the Gazette etc.,

NOTES AND ORDERS.

The General Manager, M.S.Railway, forwards a copy of Railway Board's letter No.1979-T, dated 14-4-1941, -- together with a copy of note received from the Traffic Manager, with reference to the new Amendment Act of 1941 and requests that as the Indian Railway Act is in force on the resumed sections, the amendment as well as the rule under the amendment be published in the Mysore Gazette as applicable to the resumed sections only. These rules

NOTES—First Sheet.

WD 02750—GPB—1,500—2-6-39

rules will inter alia provide for the following:-

(1) The Railway servants authorised to issue certificates will be the Guards of trains Travelling Ticket Examiners, Traffic Inspectors and Station Masters of importa stations

(2) Suitable certificate forms will be introduced

3) For the present, the power of removal will not be exercised ~~and no staff will be authorised~~ pending further examination of the question and orders of Government.

The General Manager, in this connection also suggests, that action may be taken to introduce similar amendment in the Mysore State Railway Act iv of 1894, so that the rules on the resumed as well as original sections may be uniform.

3. It will be seen from paras 4 and 5 of the Traffic Manager's note, that for reasons stated therein, the corresponding sections of the Mysore Railway Act viz., sections 52, 94 and 95, on lines similar to those of the Indian Amending Act of 1941, required to be amended, as otherwise we will have two sets of rules applying to the same kind of cases in different sections which will be anamolous and confusing both to the staff and the public.

flag T

flags K and X

flag H

4. Old papers containing the sanction of the Governor General in Council for the introduction of the Mysore Railway Regulation (now Act) iv of 1894, on the Railways over which the Mysore Government retain jurisdiction, are placed below.

G

5. Previous papers leading to the issue of letter No.R.S.369, dated 2-8-1938 referred to by

7146/1

Railway Secretariat | File No. | of 194

Serial No.

by the General Manager in paragraph the letter under reference, have been referred to the Law Department with D.No.1931, dated 29-3-1941.

6. As, however, the General Manager has since intimated in his D.O. letter dated 6-6-1941, that the amendment proposed is an important piece of Legislation and that very early action is necessary, this

A will be referred to the Secretary to Government, Law Department for favour of remarks.

Subd.) 7) A. may be done
9.6.41. 10/6/41

8) Ry. Secy. Enforcing is necessary. There pending amendment of our Act, this may be in force on the ... Govt. for ... purpose

9) Law Secy.

10/6.

SECY LAW DEPT. 8783 13 JUNE 1941 O. M. [illegible]

Law 188 of 40
13th June 1941

Hm 2 11/6/41.

B 12/6/41

10) The Indian Railway Act has been amended on 14.4.1941. By the amendment changes are made in the Law in respect of Ticketless Travelling — the changes are drastic. In this connection the note of the Traffic Manager may be perused.

NOTE.—Contn. sheet.

Serial No.

By the Amendment of Sec. Indian Railway Act, an anomalous position is created, in as much as the law on Pachtless Railway is now different from what it is, as per our Act. On the Resumed Section of our Railways the Indian Railway Act applies, whereas on the Section of our Railways, the Burma Act applies. Thus two sets of Law will have to be applied. This, has to be removed. Hence the General Manager is of opinion that the amendment may be effected in our Act in line with the Indian Railway Act as soon as possible.

12) If immediate action is to be taken in this matter, then it has to be taken under Sec 31 of the Govt of Burma Act — otherwise, then action in this respect can only be taken after next Session of the Representative Assembly. Submitted for orders, as to which course action has to be adopted

13) Law Secretary)

Serial No.

14) The Indian Railways Act was amended on 17-3-41. with respect to Sections 68, 112 and 113 A of that Act This will be operative on the ~~Rs~~ Renamed sections – Bangalore – Harihar and Yesvantpur – Hindupur – of the State Railway. In the interests of the Railway administration, it would be better to have uniform laws on all the lines. The General Manager M. S. Ry. suggests that Sections 52, 94 and 95 of our Act have also to be amended so as to bring them in line with the corresponding sections of the Brr. Indian Act. If this has to be done at once, the legislation has to be taken under S. 31 of The Government of Mysore Act 1940. Otherwise a Bill will have to be introduced in the next Session of the R.A & L.C. ~~with~~ which means a delay of nearly 7 or 8 months. It is for consideration whether action may be taken under S. 31 of the Govt of Mysore Act.

Minister for Law

Hm 17/6/41

15) ~~Dear~~ Action under Sec 31 of the Govt of Mysore Act appears unnecessary

17/6/41

16) The normal procedure may be followed for legislation on same lines as in Brr. India The rules may be viewed in respect of renamed lines

17-6-41

Hm 17/6/41.

17) Mr. Secretary Railway Dept

19/6/41

WD 06618—GPB—4,500—8-10-40

Amendments to Mysore State Rly., Act"

File No. of 194 Railway Secretariat

Serial No.

18) 4a (Amdts) 20/6 20/6.

19) JD12 29.6.41

Law 20/6.

1937 Act No.

OFFICE OF THE MINISTER FOR EDUCATION
Date 24-6-41
No. 213

RAILWAY SECTT.
No.
Date 30.6.41

20 Draft Notification re-publishing in Mysore Gazette, the Government of India Amendment* Act VI of 1941 as desired by the General Manager is submitted for favour of approval. This will be issued after perusal by the Law department.

1. After which, the file will be referred to the Law department for further action as minuted by the Minister for Law, in para 4 of Notes.

Subs: For approval 2/7

2/7 2/7

22) Rly. Secy. I am in favour of the Bill being introduced in the original lines in the Assembly, removal of women to be accompanied by males.

Law Secy.) 3/7

5/2566.

4/7/41

LAW DEPT.

Railway Secretariat | Re: Amendment to Mysore State Railway Act

File No. | of 194

Serial No.

23) If the power of removal of women unaccompanied by males, & who are found travelling without tickets, is not included in the Rules, as desired by the General Manager, then the object of the Act will be defeated. It means that Legislature is festival to the sex of human beings, which ought not to be. This provision must be incorporated in our Act; in the same manner as is incorporated in the British Indian Act, & then alone the Act will be considered to be complete. The opinion of the Secretary, Railways, dated 3.7.41 is perfectly in accordance with Legislative principles, & may be adopted

Law Secretary) 3 8/7/41

24) The Act may be amended on the lines of the Bom. Indian Act. There is no special reason to exclude women unaccompanied by males from the operation of the Act

Rly. Secy) M(.) Hm 3 8/7/41

25) Ex 1/month) 3 8/7/41

26) There is no need to add this reason. Rule is proper. Manager may refer R. A. at the next Session. 18.7.41

36/2566
OFFICE OF THE MINISTER FOR EDUCATION
NOTE.—Contin. sheet.
Date 10/7/41
No 579
22.7.41

WD 06618—GPB—4,500—5 10-40

re Amendment to Mysore State Railway Act.

File No. of 194 Railway Secretariat

Serial No.

27) For perusal

Dewan)

28) 28/7/41

29) Please put up a note for circulation

30) Brief note submitted.

26/7 31) Ry. Secy

32) For issue of circulation in Council

33) Ch. Sec. Ye)

DEWAN'S OFFICE
22. JUL. 1941
NO 556

RAILWAY SECTT.
No.
Date 24.7.41

Slip "W"

26/7

28/7

26/2566

34) Submitted with circulation memo

35) Signed 28/7/41

28/7

Brief note

DD PD 6.8.41

Subject:- Amendment of the Indian Railway Act - Ticketless travel

50) 1) Sections 68, 112 and 113 A. of the Indian Railway Act 1890 relating to persons travelling without Tickets or passes etc., have been amended by the Indian Railways (Amendment) Act* VI of 1941, which having received the assent of the Governor-General on 17th March 1941 are now in force in British India

Slip H

51) 2) The main important features of the New Act are:-

Para 3 of note - Slip Y

(i) System of certificates by authorized Railway Servants to bona fide passengers without tickets.

(ii) The penalty of imprison-ment for fraudulent travelling without proper ticket or for failure to pay fine inflicted.

(iii)

(iii) Revised Scales of access fare and penalties.

(iv) Power of removal from Carriages of persons without tickets.

Slip H 52) 3) The Amendment Act referred to above is operative on the Bangalore Harihar and Ajeswantapur - Hindupur (Frontier) Section - the jurisdiction over which rests with the Imperial Government

3) 4) In regard to the other Sections of the Mysore State Railway, the Jurisdiction over which rests with the Mysore Govt., Corresponding Sections of the Mysore Railway Act viz:- Sections 52, 94 & 95 will apply. The General Manager, Mysore State Ry., therefore suggests that these Sections may also be amended, so as to bring them in line with the corresponding Sections of the British Indian Act, as it would be better to have uniform laws on all the Sections of the Railway

Slips H & K.

P U D

Slips K, X

Railway, in the interests of the Railway Administration

84) 5) It is now proposed to introduce a Bill on the same lines of the Govt., of India Amendment Act, at the next Session of the Representative Assembly and the approval of Council of Ministers is solicited therefor.

26/7

26/7 26.7.64 Secretary for Railways Govt., of Mysore

For Disposal by Circulation.

No. C. 78

of 1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

36) Bill to amend the Indian Railway Act - Ticketless Travel.

37) *Circulated to the Council of Ministers.*

By Order,

Chief Secretary to Government.

---

38) **Minister for Finance and Revenue.** (ON deputation)

128 / 9.7.41. 39) **Minister for Law.** 29-7-41

40) **Minister for Education.** (Seen)

597 / 29.7.41 41) **Minister for Local Self-Government and Public Health.** 29.7.41

RAILWAY SECTT. No. Date 30.7.41

43) 42) Railway Secy. with Compliments. 29.7.41

Ry. 19-A]

Bill to amend Rangpore Railway Act — Ticketless Travel.

Railway Secretariat

of 194

1074/5784/41

OFFICE OF THE MINISTER FOR EDUCATION
Date 1-8-41
No. 1065

126/2586

43/2586.

Serial No.

44) Submitted with a D.F.N.

880/30.7.41.

45) Rly: Secy)

46) Fin Secy)

47) Signed D.N. placed below.

48) D.S.N. put up

49) Dewan)

Final Note by the Minister for Education.

Subject.—

Bill to amend the Mysore Railway Act - Ticketless Travel.

50 Sections 68, 112 and 113 A of the Indian Railway Act,1890, relating to persons travelling without tickets or passes etc., have been amended by the Indian Railways (Amendment) Act VI of 1941, which having received the assent of the Governor-General on 17th March 1941 are now in force in British India.

2. The main features of the new Act are:-

(i) System of certificates by authorized railway servan to bona fide passengers without tickets.

(ii) The penalty of imprisonment for fraudulent travell without proper ticket or for failure to pay fine inflicte

(iii) Revised scales of excess fare and penalties.

(iv) Power of removal from carriage of persons without tickets.

52 3. The Amendment Act referred to above is operative on the Bangalore-Harihar and Yeswantapur-Hindupur (Frontier) sections, the jurisdiction over which rests with the Imperial Government.

53) 4. In regard to the other sections of the Mysore State Railway, the jurisdiction over which rests with the Mysore Government, corresponding sections of the Mysore Railway Act viz.,sections 52,94 and 95 will apply. The General Manager, Mysore State Railway,therefore suggests that these sections may also be amended so as to bring them in line with the corresponding sections of the British Indian Act, as it would be better to have uniform laws on all the sections of the Railway in the interests of the Railway administration.

54) 5. It is now proposed to introduce a Bill on the same lines as the Government of India Amendment Act, at the next session of the Representative Assembly.

55) 6. The Dewan and other Ministers (the Minister for Finance and Revenue being away on deputation) agree to the proposal referred to above and I solicit His Highness' gracious approval thereto.

Bangalore,
1st August 1941.

MINISTER FOR EDUCATION.

Submitted to His Highness.

50) I submit herewith a Final Note by the Minister for Education regarding the proposal to introduce at the next session of the Representative Assembly, a Bill to amend the Mysore Railway Act - Ticketless Travel - on the lines of the Indian Railways (Amendment) Act VI of 1941, for His Highness's gracious approval.

M. N. Krishna Rao

DEWAN.

Bangalore,

5th August 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

57) Proposal to introduce a Bill to amend the Mysore Railway Act - Ticketless Travel-on the lines of the Indian Railways (Amendment) Act of 1941.

Order.

TRW
7/8/41.

General and Revenue

Secretariat.

SUBJECT:—

61) Proposal to introduce a Bill to amend the Mysore Railway Act - Ticketless Travel - on the lines of the Indian Railways (Amendment) Act 1941

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

62) Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

M Visvesvaraya

Chief Secretary to Government.

63) Through the Secretary to Government,

Railway ....Department.

RAILWAY SLOTH
No. 12.8.41
Date

O-53/25-66.

675 / 12.8.41 — 64) Minister for Finance and Revenue. 12/8 13-8-41

1469 / 13.8.41 — 65) Minister for Law. 13-8-41

1248 / 13.8.41 — 66) Minister for Education. 14.8.41

961 / 16.8.41 — 67) Minister for Local Self-Govt. and Public Health. 16-8-41

RAILWAY SLOTH
No. 20.8.41
Date

68) Railway Secy (with compliments) 20/8/41

NOTE.—Continued on sheet

WD 02878—GPB—300—26-6-41

69) 20/8 16/8

Railway Secretariat | File No. | of 194

P. U. D

Serial No.

Letter No. 117 of 11-8-1941 from the General Manager, M. S. Ry, Re. Amendment to Indian Railway Act

—

flag F

1. The General Secretary, Indian Railway Conference Association has forwarded to the General Manager M.S.R for his voting, a resolution of the Standing Committee, together with the Report of the Committee, in regard to passengers travelling without tickets.

flag K

2. The General Manager while forwarding copies of the above details, that as long as the Traffic Management the Auditor have no objection to the adoptions of the proposals of the Ad hoc Committee, he is intimating the General Secy., I. R. C. A. as per copy of same enclosed, as these will apply to Nessum Sections, where the Indian Railways Act is in force.

flags F and K

flag G

3. In regard to framing of local rules after necessary amendments to the Local Railway Act, referred to in the General Manager's letter of 11-8-41, it is submitted that necessary action is being taken to suitably amend the

NOTE.— Contn. sheet

WD 02502—GPB—2,500—18-7.41

Amendment to M. S. Rly. Act

File No. of 19

Railway Secretariat

Corresponding Sections of the Mysore Railway Act and placing them before the ensuing meetings of the Representative Assembly.

Subd: for favour of perusal.

Sd. 16/8 16/8. Rly. Secy.

16-8-41

Sir (Legislative Secy. Law Dept.)

18/8

18/8

Hm 20/8/41.

20/8

20/8/41

J.M.L. 21.8.41

Minister for Education

For further necessary action

Secretary

Secretary

18

The matter may be expedited - Hm 20/8/41

bsy 344.

SECY. LAW DEPT. 18 AUG. 1941 GOVT OF MYSORE

RAILWAY SECTT. No. Date. 20.8.41

202/344.

OFFICE OF THE MINISTER FOR EDUCATION Date. 21/8/41 No. 1363

RAILWAY SECTT. No. Date. 22.8.41

Rv. 19-A]

Railway Secretariat

Bill to amend Re Mysore Railway Act - Ticketless Travel.

File No. ——— ——— of 194 .

Serial No.

71) Preliminary draft Bill prepared and submitted for favour of approval as required in para (c) of G.O. No. P 362-70 Legis. 1-30-1 of 16.7.1930.

After approval by Re Min: this will be transferred to Re Law Secy; for Scrutiny - (para (d) of Go. of 16.7.30) Subo.,

21/8/41

72) Ry Secy 21/8.

73) Fr Minister 21/8 21/8/41

206/2566.

OFFICE OF THE MINISTER FOR EDUCATION
Date 22/8/41
No. 1398

72/2566 SEC. LAW DEPT. 27 AUG. 1941 GOVT OF MYSORE

74) For further necessary action Law Secy Re 22.8.41 22/8

Hm 2 27/8/41

75) Bill Secy Legal Re 3 —18/41

76) The Bill follows the British India Act of 1941 and is approved

77) The statement of objects and reasons will be adopted as the Statement of general principles approved, for the words "Imperial Government

Mysore Railway (amendment) Law

File No. of 194 Railway Secretariat

Serial No.

words Government ... which they submit be used
1) If approved the Bill will be sent to ...
which ... steps are to be taken in the ...

1/9/41

Secy
RA&Le)

15/X

79) Draw Draft Send ... with ...
Bill to the Translation Section and procure ...
steps to place the Bill before the RA in Octr

1/9/41

Copies taken & the file returned
Stn
2/9/41

80) The Bill is ready for the Press. It is the order of ...
which is in charge of the Bill in the RA.

27.9.41

Secy
RA&Le)

81) Railways Secretary
May ... be in charge

BKR
27/9

Law Secy)

I would like to know if any consequences ... from the Criminal Tribunal provisions

82) Hm
2
28/9/41

BKR
28-9-41

83) (P.W. & Rly Secy)

Action taken separately
8/10 8/10 8/10

7/10/41

OFFICE OF THE SECRETARY
M.L.A.S.
1 SEPT. 1941
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

SECY. LAW DEPT.
28 SEP. 1941
GOVT OF MYSORE

OFFICE OF THE MINISTER FOR EDUCATION
Date 30-9-41
No. 2033

RAILWAY SECTION
2 S. SEP. 1941
GOVERNMENT OF MYSORE

25/66
30.9.41

R[illegible],19-A]

226/841

Railway Secretariat | File No. | of 194

Mapore Ry Swap (Amendment Bill)
Ticketless travel.

Serial No.

86) The Bill in question was passed by the R. A., at its last Session.

87) It is for orders if the Bill has to be placed before the Legislative Council also, in which case further action has to be taken by the Law Section. Vide para (g) of G. O. No. P. 362-70 Legis. 1-30-1 of 16.7.1930.

Subdn.,
8/B
24/10

May be referred to the Law Dept. for further action

Dy
25/10/41

Ry Secy)

Assistant Secy.,
Law Dept.

Yes
Dy
27/10/41

Secretary
Legislative Dept.

Dy Secy
Legis
Dept

3
27/10/41
Dy
27.10.41

NOTE.—Contn. sheet.

WD 06618—GPB—4,500—5 10-40

Mysore Railways (amendment) Bill

File No. 170/R of 194 Railway Secretariat

Serial No.

DEWAN'S OFFIC
12. NOV. 1941
NO 4037

The Principles of the Bill were approved by the Committee unanimously.

The Bill with, if approved, be published under Rule 36 of the Mysore Legislative Rules.

The St. of Principles & be adopted as the St. of Objects and Reasons

Law Secy) 3.11.41

May be approved

Minister for Law.) 4/11/41. 4.11.41

Notes on clauses are necessary.

4/V

5.11.41.

of Objects and Reasons and notes on clauses are put up. The question of Publication of the Bill and St. is for order.

Law Secy) 8.11.41

May be approved.

Minister for Law & Devan) 10/11/41. 11.11.41

13/11/41

13.11.41

13-11-41

SECY. LAW DEPT. 4 NOV. 1941 GOVT. OF MYSORE

OFFICE OF THE MINISTER FOR LAW NOV 4 1941 No 4301

OFFICE OF THE MINISTER FOR LAW NOV 11 1941 No 4570

Rv. 19-A]

Kypore Railways Act (amendment) bill

Railway Secretariat | LC File No. 170/RJ of 1941-42

Serial No.

Submitted with a draft notification for approval.

14/11/41.
14/11/41.

14.11.41

The Compiler, Kypore Gazette

Notification no RL 9 36 dated 14.11.1941

Directs the publication of the Bill in the Gazette under rule 36 of the Kypore Legislative Rules. 19.11.41

The following motions are suggested in respect of this Bill.

1. Motion that the Bill published under rule 36 of the Kypore Legislative Rules be taken into Consideration by the Council at once

Move Minister for Education

Second Railway Secretary

2. Motion that the Bill be passed

Move minister for Education

Second Railway Secretary

The Principle of the Bill was approved by the R.A. unanimously and once the principle is accepted the amendments are Consequential. So may not be any need for reference to Select Committee

19.11.41

Law Secy)

May be approved

Minister for Education)
thro Rly. Secy)

25-11-41

20.11.41
21/11/41 20.11.41

26.11.41

21/11/41

OFFICE OF THE MINISTER FOR EDUCATION
Date 21.11.41
No. 2876

SECY. LAW DEPT.
19 NOV. 1941
GOVT OF KYPORE

RAILWAY SECRETARY
Date 19/11/41

497/25.66

NOTE.— Contn. sheet

Noted thro

Please make entries

WD 02502—GPB—2,500—18-7.41

Mysore Railways (amendment) Bill

File No. D120/RL of 19 Railway Secretariat

The Bill was passed by the Council during
the recent Session

1 Copy of the Bill as passed and signed
by President is submitted in pursuance of
G.O. 45

A D.F.N. is put up for Consideration.

27.12.41

(Law Secy)

D. F. N. submitted

(Minister for Education) 30.12.41

30.12.41

F.N. placed below.

D.F.N. submitted

(Dewan) 7.1.42

7.1.42

8/1/42

DEWAN'S OFFICE
8. JAN. 1942
NO. 5849

SECY. LAW DEPT
29 DEC. 1941
GOVT OF MYSORE

OFFICE OF THE MINISTER
FOR EDUCATION
Date. 31.12.41
No. 3575

Final Note by the Minister for Education.

Subject.—

The Mysore Railways (amendment) Bill

Flag F

On the 7th of August 1941, the gracious approval of His Highness was accorded to the proposal to introduce a bill in Mysore to amend the Mysore Railways Act in regard to ticketless travel.

The statement of principles of this Bill was placed before the Representative Assembly in October and was approved by it unanimously. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by that House. A copy of the Bill as passed by the Council and signed by the President is submitted herewith under Standing Order 45 of the Mysore Legislativ Council Standing Orders.

The gracious sanction of His Highness is solicited to promulgate the Bill into law.

Bangalore,
5th January 1942.

MINISTER FOR EDUCATION.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Education *on the subject of* the promulgation into law of the Mysore Railways (amendment) Bill, *for His Highness's gracious approval.*

Dewan.

Camp Trivandrum,
10th January 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Mysore Railways (amendment) Bill.

General and Revenue

Secretariat.

C64.

SUBJECT :—

Promulgation into law of the Mysore Railways (amendment) Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

17-1-42

4004
20.1.42

Minister for Finance and Revenue.

21-1-42

7352
19.1.42

Minister for Law.

20-1-42

3972
22/1/42

Minister for Education.

23.1.42

Minister for Local Self-Govt. and Public Health. (On deput

Rv. 19-A]

Mysore Railways (amendment) Act

Railway Secretariat | Legis | File No. 40 665/42 | of 194 /.

Serial No.

The previous assent of His Highness was accorded on the 12th January 1942 to promulgate the Bill as Law.

A draft G.O. directing publication as Act No XIV of 1942 is put up

ORS
27.1.42

Secy
RAMA

BKR
27.1.42

Law Secy

HMS
2
27.1.42

DSME BKR
29.1.42

Issued No RL 1324 - Legis 45-41-1 dated 27th Jan 1942 to the Comptroller, Mysore Gazette directing publication of the Mysore Railways (amendment) Act 1942 as Act No XIV of 1942.

If approved this file will be recorded

ORS
19.5.42

BVN
19/5

ORS
19.5.42

MSRM G 74—500—22 4-41

MYSORE STATE RAILWAY

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE GENERAL MANAGER, MYSORE STATE RAILWAY, MYSORE, BY TITLE, NOT BY NAME.

GENERAL MANAGER'S OFFICE,

Mysore, 4th June, 19

TEL. ADDRESS:— STATERAIL
TELEPHONE:—No 395

No. 1048 Fl. 86/3

Encls. 10 Page

From

R. N. MIRZA, Esqr., B.E., A.M. Inst. C.E., A.R.T.C., M.I.M.E.,

GENERAL MANAGER, MYSORE STATE RAILWAY,

'SORE.

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Railway Department, BANGALORE.

Sir,

Re. Amendment to Mysore State Railway Act.

Adverting to R.S.No.369 dated 2nd August 1938, directing that the laws in force in the Civil and Military Station are applicable to the resumed sections,-Bangalore-Harihar and Yesvantpur-Hindupur,-of the State Railway, I have the honour to forward herewith a copy of Railway Board's letter No.1979-T dated 14th April 1941 together with a copy of note received from the Traffic Manager in this connection and with reference to the new Amendment Act of 1941.

As the Indian Railway Act is in force on the resumed sections, the amendment has to be notified in the Mysore Gazette for general information.

I request also action being taken to notify the following rules under the Amendment as applicable to the resumed sections only. These rules will inter alia provide for the following:

1. The Railway servants authorised to issue certificates will be the Guards of Trains, Travelling Ticket Examiners, Traffic Inspectors and Station Masters of important stations.

2. Suitable certificate forms will be introduced.

3. For the present, the power of removal will not be exercised and no staff will be authorised pending further examination of the question and orders of Government

If Government approve, I would suggest action being taken to introduce similar amendment in the Mysore State Railway Act IV of 1894 so that the rules on the resumed as well as original sections may be uniform.

I have the honour to be,
Sir,
Your most obedient servant

neral Manager.

N O T E.

Amendment of the Indian Railway Act - Ticketless travel.

THE INDIAN RAILWAY AMENDMENT ACT 1941.

1. Sections 68,112 and 113.A of the Indian Railways Act 1890 relating to persons travelling without tickets or passes,etc.,have been amended by the Indian Railways(Amendment)Act 1941,Act vi of 1941 which, having received the assent of the Governor-General on the 17th March 1941,is now the Law in British India. The object of the Amending Act (has been) to make the provisions and penalties attaching to ticketless travel drastic and deterrent and thus check this growing evil.

CHANGES INTRODUCED BY THE ACT.

2. The ~~main~~ important changes introduced by the new Act are briefly as follows:-

(1)According to the old section 68,it was an offence for a person to enter a Railway carriage for travelling as a passenger without a proper ticket or pass. The amendment to this Section makes "remaining in the carriage,for travelling,without a ticket or a pass also an offence. This amplification is designe to cover cases like over-riding,travelling after a ticket is lost,etc.,

(2)Sub Section 2 newly added to this section empowers Railway servants authorised in this behalf by the Ry. administration to grant to passengers without tickets certificates permitting them to travel in the carriage on condition that they pay the fare payable for the distance thus to be travelled. This Sub Section enables a passenger,who for some reason or other,is unable to provide himself with a ticket to undertake the journey on a certificat and pay the fare at the next convenient station en route.

(3)The penalties prescribed under Section 112 for persons who,with intent to defraud a Railway, travel without a ticket,etc.,have been rendered more

drastic. According to the section as it stood prior to the amendment, the penalty was a fine which may extend to Rs.100/- in addition to the fare due. The Amended Section permits an alternative punishment with imprisonment which "may extend to three months."

(4)The Sub Section newly added empowers the Magistrate to inflict a sentence of imprisonment which may extend to three months also in cases of default of payment of fine inflicted.

(5)Sub Section 3, newly added to Section 113 provides for a higher scale of "excess fare" payable by passengers detected travelling without tickets or who, having travelled some distance without tickets, voluntarily bring the fact to the notice of the Railway servant themselves. In the existing sections, the excess charge or penalty payable may not exceed the actual fare or Rs.6,3 & 1 for 1st, 2nd and 3rd classes, in addition to the fare due; if, however, the passenger himself notifies before detection by a Railay servant the corresponding penalty is Rupee one and annas eight and two respectively in addition to fare due. This method of fixing the maximum penalty made no provision for a proper distinction between a long ticketless journey and a short one. The amended section makes the penalty equal to the actual fare in all cases, subject to a minimum of Annas eight or Annas two in cases of passenger himself voluntarily reporting his travelling without tickets.

These excess charges or penalties are recoverable under the existing sections, on conviction by the Magistrate as a fine. The amendment to this section enables the Magistrate to order imprisonment of either description to a maximum of one month in default of payment. This section also specifies that such cases should be tried by Magistrates of 1st or 2nd Class.

(6)A new section,Section 113 A.provides for the removal of a passenger from a Railway carriage unless he then and there pays the fare and excess charge demanded. This power of removal can be exercised only by an authorised Railway servant. Women and children unaccompanied by male passengers should not be so removed unless at a starting or terminal station or a large station,headquarters of a Civil District, etc.

AN EXAMINATION OF THE CHARGES.

3. Thus the main important features of the new Act are:-

(i)System of certificates by authorised Railway servants to bona fide passengers without tickets.

(ii)The penalty of imprisonment for fraudulent travelling without proper ticket or for failure to pay fine inflicted.

(iii)Revised scale of excess fare and penaltjes.

(iv)Power of removal from carriage of persons without tickets.

Item(i) is an improvement over the existing system,as far as bona fide passengers,who,for such reasons as coming late,are unable to provide themselves with a ticket,are concerned. This,however,gives greater scope for abuse by such of Railway servants as may be unscrupulous and has to be strictly controlled.

The new principle of imprisonment may act as a deterrent.As is well known there has been a very strong difference of opinion as to the expediency and advisability of this provision.

The new scales of excess charges are on a more rational basis duly graduated.

The power of removal is a necessary one but is liable to abuse and cause great hardship. This has to be exercised by responsible officials and under very strict safe guards.

THE POSITION ON MYSORE STATE RAILWAY CONSEQUENT ON THE ACT.

4. The position on our Railways consequent upon this Act is as follows:-

On the resumed sections, i.e., Bangalore City-Harihar Section and Bangalore City-Hindupur section in which jurisdiction is ceded, this Act has to come into force. On the other sections, the sections of the Mysore Railway Act corresponding to these old sections 68, 112 & 113, viz., Section 52, 94 & 95 continue in force till they are amended by new Legislation.

THE NECESSITY OR OTHERWISE FOR SIMILAR LEGISLATION IN MYSORE.

5. This naturally raises the question whether our Act has to be amended to bring it in line in every respect with the Indian Act. If our Act is not amended, the result will be that we will have two sets of rules applying to same kinds of cases in different sections. This is very anamolous and is very confusing both to our staff and the public. Besides this, penalties and procedure will vary for travelling on the same section according to whether the passenger is detected travelling on the resumed or original sections. This will also be difficult to work. Besides this the amendments have some desirable features, such as the system of certificates, the revised scale of charges which may with advantage be introduced. The evil of ticketless travel is fairly prevailing on this Railway also and there is the necessity for having more stringent and deterrent provisions. It is highly desirable in a system like Railways so closely interconnected with the neighbouring Railways in British India to have uniform sets of rules and procedure. For these reasons, it seems necessary and desirable to amend our Act also to bring it in line with the Indian Act.

6. The principle of imprisonment introduced into the Act is not a very desirable one and it is a point for consideration if we should adopt it. This principle is however applicable on all Railways; whether we like it

or not,it is in force on certain sections of our own Railway. In view of this,I recommend this principle being also embodied in our amendment, though it may be a ~~guid~~ guiding principle with us not to ask for this sentence,except in case of persistent default of payment of fare recoverable as a fine. The drastic provision may also have a salutary effect on ticketless travel. It is therefore recommended that necessary early action may kindly be taken to promulgate legislation to amend sections 52, 94 & 95 of the Mysore Railways Act on ~~this~~ lines similar to those of Indian Amending Act of 1941.

SANCTION TO RULES UNDER THE ACT ON RESUMED SECTIONS.

7. Pending this,sanction is solicited for notifying rules,etc.,bringing this Act into force on the resumed Sections.These rules will inter alia provide for the following:-

(i)The Railway servants authorised to issue certificates will be the Guards of trains, Travelling Ticket Examiners,Traffic Inspectors and Station Masters of important stations.

(ii)Suitable certificates forms will be introduced

(iii)For the present,the power of removal will not be exercised and no staff will be authorised pending further examination of the question and orders of Government.

Very early sanction is solicited.

Ag.Traffic Manager.

very costly operation to collect.

and orders of government.
pending further examination of the question
be excluded and no stamp will be authorized
iii)For the present, the power of removal will not

suitable certificates forms will be introduced

and station masters or important stations
Travelling Ticket Examiners,Traffic Inspectors
certificates will be the wards of trains
"(The railway servants authorised to issue

following:-

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prejudicial default of payment or this recommendation

not to ask for this sentence,except in case of

though it may be a quite Guiding principle .it is a

fundamental principle of our enactment,

own railway. In view of it,it is for the

or not,it is in force on certain sections of our

GOVERNMENT OF INDIA.

R A I L W A Y D E P A R T M E N T.

Railway Board)

No 1979-T.

Dated New Delhi, the 4th April

To Agents and General Managers,
Assam Bengal,
Bengal and North Western,
Bengal Nagpur,
Bombay, Baroda and Central India,
Madras and Southern Mahratta,
Rohilkund and Kumaon,
South Indian,
Barsi Light and
Dibru-Sadiya Railways

General Managers,
Eastern Bengal,
East Indian,
Great Indian Peninsula,
North Western,
H.E.H. the Nizam's State
Mysore State,
Darjeeling Himalayan and
Gaekwar's Baroda State Railways.

Managers,
Dholpur State,
Jaipur State,
Jodhpur,
Bikaner State,
Mewar State,
Jamnagar and Dwarka and
Matheran Light Railways.

The Managers and Engineers-in-Chief,
Bhavnagar State,
Cutch State,
Gondal,
Junagad State and
Morvi Railways.

The Manager and Engineer,
Bengal Provincial Railway.

Messrs. Martin and Company, Managing Agents,
Futwa-Islampur Light etc., Railways.

Messrs. McLeod and Company, Managing Agents,
Ahmedpur-Katwa &c. &c. Railways

Messrs. Octavius Steel and Company, Managing Agent
Lehri-Rohtas Light Railway.

Messrs. McNeill and Company, Managing Agents,
Jorhat Provincial Railway.

The Managing Agents, Jugadhri Light Railway.

The Finance Member, Gwalior Government.

The Chairman of the Commissioners for the Port of
Calcutta.

The Chairman, Bombay Port Trust.

The Chairman, Madras Port Trust.

Dear Sir,

Amendments to certain sections of the Indian Railways Act.

The Bill further to amend certain sections of the Indian Railways Act, 1890, relating to travelling without proper pass or ticket has now become law (copy of the Indian Railways (Amendment) Act, 1941, enclosed). In the Board's letter No. 1979-T., dated the 24th March, 1941, you were requested to arrange for the earliest possible display of suitable posters bringing to the notice of the public the main changes in the law and the increased penalties to which passengers travelling without proper pass or ticket would be liable.

2. It is also necessary that early instructions regarding the application of the amended sections (copy enclosed) be issued to your staff. To assist in the issue of these instructions, the following is a brief explanation of the main changes in the Act:-

Section 68.- A new sub-section has been added to section 68 which is now renumbered as section 68(1) and (2).

The words "or remain in" have been introduced into section 68(1) and relate to the passenger who over-rides beyond the station to which he has a proper pass or ticket.

The new sub-section 68(2), coupled with the new proviso to section 113(3), now makes the issue of a certificate a general practice and no penalty is recoverable from the traveller who has with him a certificate granted under this sub-section

I am to ask that Administrations will consider the feasibility of extending the authorization to grant

certificates to selected station staff and travelling ticket examiners in addition to the guards of trains. Arrangements should be made for printing the required form of certificate as early as possible.

The Railway Board recognise that in the case of suburban sections the issue of a certificate is either impracticable or unnecessary owing to the frequency of the train service. It is therefore unnecessary to give authorization to staff concerned with these trains.

Section 112(2).- This section has also been renumbered and a sub-section (2) has been added. The words and figures "or remains in any carriage on a railway in contravention of section 68" have been substituted for the original wording in clause (a). Clause (b) now includes an alternative provision for imprisonment which may extend to three months and it should be noted that either simple or rigorous imprisonment may be awarded by magistrate at his discretion.

Sub-section (2) expressly excludes the provisions of section 65 of the Indian Penal Code which otherwise would have limited the term of imprisonment in default to one quarter of the alternative sentence Imprisonment (either rigorous or simple) up to the full period of three months may therefore be awarded by a magistrate

Section 113.- The main change relates to the excess charges (commonly referred to as penalty) payable under section 11.(3). In the existing relevant sections, the excess charges may not exceed Rs. 6/-, Re. 1/- and Rs. 3/- and when the passenger has notified a railway servant before detection of the fact that he is travelling without a proper pass or ticket, the excess charges cannot exceed Re. 1/-, 2 annas or 8 annas, and it is further provided that

these excess charges are subject to a maximum corresponding to the fare due. This method of fixing the maximum excess charges made no provision for a proper distinction between a long ticketless journey or a comparatively short one. It was only for the shorter journeys that the excess charges were based on the fare.

The amended section makes the excess charge equal to the actual fare due in all cases except where the fare due is less than 8 annas (or 2 annas if the passenger is entitled to the benefit of the first proviso to section 113(3)

The second proviso to that sub-section relieves the passenger in possession of a certificate granted under section 68(2) from payment of any excess charge

The existing sub-section 113(4) provides for recovery by the magistrate of the fare and excess charge as if it were a fine, but the magistrate is not empowered to impose imprisonment in default. The amended sub-section enables the magistrate to order imprisonment of either description to a maximum of one month in default of payment.

It will be noted that the amended sub-section specifies that such application may be made only to magistrates holding First or Second class magisterial powers. It is understood that this may necessitate certain fresh appointments of magistrates and it will be necessary for Administrations after reviewing the position to bring the position to the notice of Provincial Governments.

The revised sub-section also makes it clear that it is incumbent on the magistrate to satisfy himself that the sum claimed is really due.

Section 113. This is a new section and provides for the removal of a passenger from a railway carriage

unless he there and then pays the fare and excess charge demanded under section 113.

It is to be noted the section specifies that remova may be performed by any railway servant authorized by the Administration in this behalf or by any other person whom such railway servant may call to his aid. Administrations will readily appreciate the necessity for careful selection of the categories of staff to be so authorized. It is suggested that authorized staff should be provided with a letter of authority in which the provisions of this section would be included, in order that disputes be avoided as far as possible.

In calling other persons to their aid, the staff should exercise discretion and should avoid calling upon any individuals, assistance by whom would offend the suceptibilities of those to be removed from trains.

The Board expect that Administrations will discourage the removal of passengers at small roadside stations and confine the exercise of this power as far as possible to the larger stations where facilities exist for the subsequent recovery of charges due.

It will be noted further that a person travelling a higher class than that for which he holds a proper pass or ticket may be removed from that compartment but is not to be prevented from continuing his journey in the class covered by the pass or ticket held.

Special attention is invited to the last proviso of this new section prohibiting the removal of women and children unaccompanied by male passengers between certain hours and limiting such removal to junctions, terminals

or headquarters of civil districts. It is essential that this proviso should be rigidly observed

ours faithfull

Director, Railway Board

D.A:- 1. Sections as amended.
2. Indian Railways (amendment) Act 1941

No. 1979-T dated 4th April 1941.

Copy forwarded to the General Secretary, Indian Railway Conference Association, and the Chairman, Ad.I Committee (Mr. G.C.Laughton).

Director, Railway Board.

GOVERNMENT OF INDIA

GISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 17th March, 1941, and is hereby promulgated for general information:—

ACT No. VI OF 1941.

An Act further to amend the Indian Railways Act, 1890.

IX of 1890

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Railways (Amendment) Act, 1941.

...of 1890.

Amendment of section 68, Act IX of 1890.

2. (*1*) Section 68 of the Indian Railways Act, 1890 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (*1*) of that section and in the said section as so re-numbered after the word "enter" the words "or remain in" shall be inserted.

(*2*) To the said section as so re-numbered and amended the following sub-section shall be added, namely:—

"(*2*) A railway servant when granting the permission referred to in sub-section (*1*) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

Amendm section 1 Act IX o 1890.

3. (*1*) Section 112 of the said Act shall be re-numbered as sub-section (*1*) of that section and in the sub-section as so re-numbered—

(*a*) in clause (*a*), for the words and figures "in contravention of section 68 any carriage on a railway" the words and figures "or remains in any carriage on a railway in contravention of section 68" shall be substituted; and

(*b*) after the words "shall be punished" the words "with imprisonment for a term which may extend to three months or" shall be inserted.

0.

(*2*) To the said section as so re-numbered and amended the following sub-section shall be added, namely:—

"(*2*) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

Amendment of section 113, Act IX of 1890.

4. In section 113 of the said Act,—

(*a*) for sub-section (*3*) the following sub-section shall be substituted, namely:—

"(*3*) The excess charge referred to in sub-section (*1*) and sub-section (*2*) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant

notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater :

Provided further that if the passenger has with him a certificate granted under sub-section (*2*) of section 68, no excess charge shall be payable." ;

(*b*) in sub-section (*4*), for the words beginning with "the sum payable by him shall" and ending with "be paid to the railway administration" the following words shall be substituted, namely :—

"any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration"

Insertion of new section 113A in Act IX of 1890.

5. After section 113 of the said Act the following section shall be inserted, namely :—

Power to remove persons from railway carriage.

"113A. Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 69, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 113 :

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket

Provided further that women and children, if unaccompanied by male passengers shall not be so removed, except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M."

GIPD—L6RB—12-4-41—400.

Sections of the Indian Railways Act as ~~they will be if the~~ amendments ~~passed by the Legislature, receive assent and become law~~.

Note.—The amendments or changes are underlined.

5 2 68 (1) No person shall, without the permission of a railway servant, enter or remain in any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket.

(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled.

4. 112 (1) If a person with intent to defraud a railway administration, —

(a) enters or remains in any carriage on a railway in contravention of section 68, or

(b) uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of a return journey, a half thereof which has already been so used, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months.

113 (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or, being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 69, shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to the ordinary single fare for the distance which he has travelled or, where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined or, in case of their having been examined more than once, where last examined.

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket, or travels in or on a carriage beyond the place authorised by his pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater :

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater :

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 68, no excess charge shall be payable.

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration.

113A Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket, immediately on requisition being made therefor under section 69, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 113 :

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket :

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours 6 A.M. and 6 P.M.

D. O. No 195

GENERAL MANAGER'S OFFICE.
MYSORE STATE RAILWAY.

Mysore, 6 6

Dear Mr. Mehkri,

I write to invite your reference to my Official letter No. 1048 dated 4th June 1941, regarding certain "Amendments to Mysore State Railway Act", in consequence of certain amendments already introduced in the "Indian Railway Act" regarding Ticketless Travel. Considering that it is an important piece of legislation, I shall feel obliged if the matter will receive your very early consideration.

Yours sincerely,

R. M. 6

M. G. Mehkri, Esq., B.A., LL.B.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Railway Department, Bangalore.

MSRM G 61—3500—17-2-41

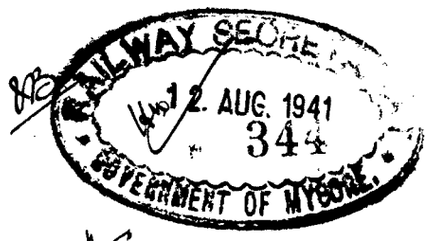
MYSORE STATE RAILWAY

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE GENERAL MANAGER, MYSORE STATE RAILWAY, MYSORE. BY TITLE, NOT BY NAME

TEL. ADDRESS:— "STATERAIL."
TELEPHONE:—No 395

GENERAL MANAGER'S OFFICE,

Mysore, 11 August 1941.



No. 117 /Fl.

Encls. One Printed copy of C.25/41 dt 17th.

From

THE GENERAL MANAGER,

MYSORE STATE RAILWAY,

MYSORE.

To

The Secretary
to the Government of His Highness The Maharaja of Mysore,
Railway Department, Bangalore.

Sir,

Amendment to Mysore State Railway Act.

In continuation of this office letter No.1048 dated 4th June, 1941 requesting sanction of Government to introduce an amendment to Mysore State Railway Act similar to the Indian Railway Amendment Act 1941, I have the honour to forward herewith a copy of letter No.C.25/41 dated 17th June 1941 received from the General Secretary, Indian Railway Conference Association. Both Traffic Manager and Auditor have no objection to the adoption of the proposals of the Ad hoc Committee. I am therefore intimating the General Secretary, Indian Railway Conference Association as per copy of letter enclosed, as these will apply to Resumed Sections where Indian Railway Act is in force.

I have the honour to be,
Sir,
Your most obedient servant,

General Manager.

No. C. 25/41.

FROM

THE GENERAL SECRETARY,

INDIAN RAILWAY CONFERENCE ASSOCIATION.

To

THE STANDING COMMITTEE OF THE ASSOCIATION.

New Delhi, dated 17 June 1941.

Sir,

Passengers travelling without tickets.

With reference to Resolution 10 of the 1941 Spring Conference, I am directed to enclose the usual number of copies of the Report of the *ad hoc* Committee and to request your vote "Yes" or "No" on the following draft resolution :—

Draft Resolution.—*That the Report of the* ad hoc *Committee, appointed under Resolution 10 of the 1941 Spring Conference, be accepted and the General Secretary be directed to forward a copy thereof to the Railway Board for their information, and action as necessary be taken by individual railway administrations.*

2. The subject is held to fall under Fundamental Rule 1 and the period allowed for voting will expire on 5 August 1941.

I have the honour to be,

Sir,

Your most obedient servant,

V. L. DEAN,

General Secretary.

File No. A36/A/I.

ENCLOSURE TO CONFERENCE LETTER No. C. 25/41, DATED 17 JUNE 1941.

Passengers travelling without tickets.

Report of the *ad hoc* Committee appointed under Resolution 10 of the 1941 Spring Conference.

The *ad hoc* Committee met at Bombay on Thursday, 17 April 1941 and following days, the terms of reference being :—

"The preparation of model rules for adoption by railways to deal with ticketless travel and to secure uniform application of the provisions of the relevant sections of the Railways Act and to recommend a standard form for submission by railways of the statistics connected therewith."

Present :

MR. G. C. LAUGHTON	...	*Agent & General Manager, B.B. & C.I. Railway (Chairman).*
„ R. HANNAY	...	*Traffic Manager, B. & N. W. and R. & K. Rys.*
„ G. ST. G. HIGGINSON,		*Commercial Traffic Manager, B. N. Ry.*
„ W. T. ALDOUS	...	*General Traffic Manager, B. B. & C. I. Ry.*
„ C. A. CRAWFORD	...	*Chief Commercial Manager, E. I. Ry.*
„ G. E. BERKLEY	...	*Chief Traffic Manager, G. I. P. Ry.*
MAJOR G. F. EVANS	...	*Chief Traffic Manager, Jodhpur Ry.*
MR. T. STEPHENSON	...	*Chief Commercial Manager, M. S. M. Ry.*
„ R. PROUDLOCK	...	*Deputy Chief Commercial Manager, N. W. Ry.*
Secretary–MR. V. L. DEAN	...	*General Secretary, I. R. C. A.*

Mr. K. C. Ghosh, Hony. Railway Magistrate (1st Class), E. I. and B. N. Railways, and Mr. A. MacDonald, Superintendent, Railway Police, G. I. P. Railway, (on 17 April only) also attended the meeting by request.

2. The Committee considered that the best way of preparing model rules on this subject for adoption by all railways was to enumerate the various cases which might arise of passengers travelling without, or with improper, passes or tickets. Having enumerated these varying cases, it was then necessary to prepare instructions how the railway staff concerned with the checking of tickets were to deal with each type of case as it arose. They have, therefore, prepared a statement (Appendix 'A') showing 29 typical cases, and against each of these is given the demand to be made on the passenger, and the action to be taken should the passenger concerned fail to pay the amount due, specifying the relevant sections of the Indian Railways Act of 1890, as now amended, in each case.

The Committee wish to draw special attention to the recommended action to be taken regarding beggars and mendicants detected travelling without tickets (item 23 of Appendix 'A'). This recommendation, in the absence of payment of fare *plus* higher excess charge, involves action under Sections 132 and 112 of the Indian Railways Act. This is certain to necessitate additional expenditure for ticket checking staff, escort staff, lock-up accommodation, and courts.

3. As regards the question of issue of certificates contemplated in the amended Section 68 of the Indian Railways Act, 1890, the Committee considered the cases under which certificates should be issued, and their

conclusion is that certificates under Section 68(2) should only be issued in cases:—

(1) where a passenger is unable to purchase a ticket for want of time;

(2) where a passenger wishes to transfer from a lower to a higher class of carriage or train, either at the starting station or *en route*, and there is no time to issue an excess fare ticket;

(3) where a passenger after arriving at a junction wishes to alter his route of travel and there is no time to issue him an excess fare ticket;

(4) where a passenger has lost or mislaid his ticket, and reports the fact, but for want of time or any other valid reason, is unable to obtain a ticket for the remainder of the journey at the station at which the report is made.

Certificates must not be issued for any part of the journey beyond the next ticket checking station. The Committee further considered the form which this certificate should take, and Appendix 'B', which is a slight modification of the form in use on the Madras & Southern Mahratta Railway, is recommended for adoption. This form should be printed in triplicate, one copy each for the passenger, audit and record.

4. The Committee then considered the various points raised in Railway Board's letter No. 1979-T., dated the 4/14th April 1941 (Appendix "C").

Section 68—The Committee consider that the words "or remain in" which have been introduced into Section 68 (1) do not only relate to the passenger who overrides the station to which he has a proper pass or ticket, but to any passenger who travels without a proper pass or ticket.

It is presumed that the expression "general practice" used by the Railway Board refers to the fact that certificates will be issued in future by all railways, since some railways do not now issue such certificates, and presumably the intention of this expression is not that such certificates should be issued too freely.

The Committee are unable to make any general recommendation on the suggestion made by the Railway Board to extend the authorization to grant certificates to selected station staff and travelling ticket examiners in addition to the guards of trains. They consider that this is a matter that should be left to individual Administrations to decide.

Section 113 (1)—To make matters free from doubt, the Committee consider that the fare to be recovered under this Section should be the ordinary single fare to the station of detection. If the passenger intends to travel beyond the point of detection, he must pay the ordinary fare from the station of detection to destination.

Section 113(4)—As regards the question of magisterial powers, no difficulty would appear to arise seeing that under Section 133, only magistrates of the Second Class and above can try any offence under this Act.

Section 113A—The Committee consider that the railway servants authorized by the Administration to remove a passenger from a railway carriage should be uniform staff only who are readily recognisable by the public. This authorization, the Committee consider, should normally be confined to:—

Station Masters on duty,
Guards,
Ticket Checking Staff at stations, and
Travelling Ticket Examiners.

The Committee think it unnecessary that such staff should be furnished with individual letters of authority, but that their authorization to take action under this Section should be granted and notified by a general order.

5. As regards the statistics connected with ticketless travel, after considering various suggestions made by railways, the Committee recommend that these should in future be submitted on the form shown as Appendix 'D'.

Sd. G.C. Laughton,
(*Chairman*).
„ R. Hannay.
„ G. St. G. Higginson.
„ W. T. Aldous.
„ C. A. Crawford.
„ G. E. Berkley.
„ G. F. Evans.
„ T. Stephenson.
„ R. Proudlock.

STATEMENT SHOWING TYPICAL CASES AND DEMAND TO BE MADE ON THE PASSENGER IN EACH CASE AND ACTION TO BE TAKEN SHOULD IE PASSENGER FAIL TO PAY THE AMOUNT DUE.

	Demand to be made.	If passenger fails to pay on demand, action to be taken under.
1. Passenger travelling without a ticket but with a certificate.	Ordinary fare.	Section 113A or Section 112, alternatively Section 113.
2. Passenger travelling in (a) a higher class or carriage than that for which a ticket is held	(a) Difference between the single journey fares of the two classes, mail or ordinary, as the case may be, for that portion of the journey, for which it is desired to travel in a higher class.	Section 113A, alternatively Section 113.
(b) a higher class of train than that for which ticket is held	(b) Difference between the are paid and the fare payable.	Section 113.
holding a certificate.		
3. Passenger travelling by other than the route authorized by the ticket held but holding a certificate.	The difference in fares, if any, between the booked and travelled routes.	Section 113A and Section 113.
4. Passenger detected travelling without a ticket.	Ordinary fare *plus* higher excess charge.	Section 113A and Section 112.
5. Passenger detected travelling without a ticket who desires to go forward to his destination.	(a) Ordinary fare *plus* higher excess charge up to place of detection, then (b) ordinary single journey fare from place of detection to destination.	Section 113A and Section 112.
6. Passenger detected travelling without a ticket who refuses to pay the charges due on demand and there is reason to believe: (a) he will abscond, or (b) his name and address are unknown, and he refuses on demand to give his name and address, or (c) there is reason to believe that the name or address given by him is incorrect.	Ordinary fare *plus* higher excess charge.	Arrest under Section 132 if applicable and prosecution under Section 112.
7. Passenger detected travelling by a wrong route.	He may be allowed to travel to destination by the shortest or quickest route, whichever he prefers, no additional fare or excess charge being levied.	Section 113A and Section 113.
	If he refuses to travel by the shortest or quickest route, he will be charged the fare for the route by which he travels without excess charge.	Section 113 A
Passenger detected with a ticket so torn or mutilated that the number, date or destination cannot be deciphered.	Fare *plus* higher excess charge.	Section 113A and Section 112 or 113 according to circumstances

APPENDIX A.—*(contd.)*

		Demand to be made.	If passenger fails to pay on demand, action to be taken under.
9.	Passenger detected using a single pass or single ticket which has already been used on a previous journey, or in the case of a return journey, a half thereof which has already so been used.	Nil.	Arrest under Section 132 if applicable and prosecution under Section 112.
10.	Passenger detected travelling beyond the authorized destination intentionally.	Difference between the fare paid by him and the fare payable in respect of such journey as he has made *plus* higher excess charge.	Section 113A and Section 112.
11.	Passenger travelling beyond authorized destination unintentionally.	He will be allowed to return to the station to which he was originally booked on purchase of a fresh single journey ticket of any class, provided he returns by the next passenger train available and does not, in the meantime, leave the station to which he has overridden.	
12.	Passenger who fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition therefor.	Ordinary fare for distance travelled *plus* higher excess charge.	Section 113A and Section 113.
13.	Passenger detected travelling in a carriage of a higher class than that for which he has purchased a ticket.	Difference between the fare paid by him and the fare payable in respect of such journey as he has made in the higher class up to point of detection *plus* higher excess charge.	Removal from higher class under Section 113A and prosecution under Section 113.
4.	Passenger detected travelling in a train of a higher class than that for which he has purchased a ticket.	Difference between the fare paid by him and the fare payable in respect of such journey made by him in the higher class of train *plus* the higher excess charge.	Section 113.
15.	Children detected travelling without tickets (ages 3 to 12 years) with parents or guardians.	Fare due *plus* higher excess charge.	Section 113A and Section 112 or 113 according to circumstances.
16.	Adults detected travelling with half tickets.	Difference between half and full fare *plus* higher excess charge.	Section 113A and Section 112 or 113 according to circumstances.
17.	Passenger holding cheap concession ticket where break of journey is not allowed and insisting on breaking journey *en route*.	Difference if any between the fare paid by him and the ordinary fare for the journey performed, the ticket being confiscated.	Section 113.
18.	Passenger holding a return ticket travelling by other than the booked route.	Full ordinary fare for that portion of the route travelled not covered by the fare paid.	Section 113A and Section 113.
19.	Passenger detected travelling on a wrong half portion of a return ticket.	Fare due *plus* higher excess charge.	Section 113A and Section 113.
20.	Passenger detected travelling with a date expired ticket.	The full fare from the last station which he passed or from the station where he broke his journey before the time and date of expiry of the ticket *plus* the higher excess charge.	Section 113A and Section 113, alternatively Section 112 according to circumstances.

APPENDIX A.—*(concld.)*

		Demand to be made.	If passenger fails to pay on demand action to be taken under.
21.	Passenger detected travelling on another person's season or zone season ticket or on a season or zone season ticket with date of availability altered.	Nil	Section 132 if applicable and Section 112.
22.	Passenger detected holding a ticket issued at 'reduced rate' or 'free' on some concession, *e.g.*, Student, Police or Jail Warrant or Railway Privilege Ticket Order, or Mercantile Coupons, etc., to which he is not entitled.	Nil	Section 132 if applicable and Section 112.
23.	Beggars and mendicants detected travelling without tickets.	Fare *plus* higher excess charge.	Section 132 if applicable and Section 112.
24.	Passenger travelling without a proper ticket but who immediately after incurring a charge and before being detected by a railway servant, notifies to the railway servant on duty with the train the fact of the charge having been incurred.	Fare *plus* lower excess charge	Section 113A and Section 113.
25.	Passenger travelling in a higher class of carriage than that for which he holds a ticket and who before being detected by a railway servant, notifies to the railway servant on duty with the train the fact of the charge having been incurred.	Difference between the fare paid by him and the fare payable in respect of such journey as he has made *plus* lower excess charge.	Removal from the higher class under Section 113A and prosecution under Section 113.
26.	Passenger travelling in a higher class of train than that for which he holds a ticket and who, before being detected by a railway servant, notifies to the railway servant on duty with the train the fact of the charge having been incurred.	Difference between the fare paid by him and the fare payable in respect of such journey as he has made *plus* lower excess charge.	Section 113
27.	Passenger other than one holding a return ticket travelling by a route other than that authorized by the ticket held and before being detected by a railway servant notifies to the railway servant on duty with the train the fact of the charge having been incurred.	Difference between the fare paid by him by the booked route and the fare payable in respect of the route by which he has travelled.	Section 113A and Section 113.
28.	Passenger who extends his journey beyond the destination to which he was originally booked who before being detected by a railway servant notifies to the railway servant on duty with the train the fact of the charge having been incurred.	Difference between the fare paid by him and the fare payable in respect of such journey as he desires to undertake *plus* the lower excess charge.	Section 113A and Section 113.
29.	Passenger who travels with a date expired ticket and before being detected by a railway servant notifies to the railway servant on duty with the train the fact of the charge having been incurred.	The full fare payable from the last station which he passed or from the station where he broke his journey before the time and date of expiry of the ticket *plus* the lower excess charge.	Section 113A and Section 113.

APPENDIX B.

(Vide page 2).

Serial No._____

Name of Railway.

Certificate of permission granted to travel without a proper pass or ticket when such permission is applied for before incurring any charge.

(*Vide* SECTION 68 OF THE INDIAN RAILWAYS ACT, 1890).

(Valid up to_____station only).

*Mr./Mrs./Miss _____ *holding without ticket _____ Class

Ticket (s) No. or Nos._____ dated_____

from _____ to _____

via _____ *is/are permitted to travel_____

---

upon condition that *he/she/they will pay the additional† fare_____ payable for the distance to be

travelled at or before_____ station.

_____

Signature of official granting certificate.

_____

Designation.

Date_____ Station at which issued_____

*Delete whichever is not applicable.

†The word "additional" to be struck out in the case of a passenger without a ticket being granted this certificate.

To be filled in by Station Staff.

Station Stamp_____ E. F. R. No._____ of _____

APPENDIX C.

(Vide page 2).

Letter No. 1979-T., dated 4/14 April 1941, from the Director, Railway Board to the General Managers of all railways, copy to the General Secretary, I. R. C. A. and the Chairman, ad hoc *Committee :—*

The Bill further to amend certain sections of the Indian Railways Act, 1890, relating to travelling without proper pass or ticket has now become law. In the Board's letter No. 1979-T., dated the 24th March 1941, you were requested to arrange for the earliest possible display of suitable posters bringing to the notice of the public the main changes in the law and the increased penalties to which passengers travelling without proper pass or ticket would be liable.

2. It is also necessary that early instructions regarding the application of the amended sections be issued to your staff. To assist in the issue of these instructions, the following is a brief explanation of the main changes in the Act :—

Section 68.—A new sub-section has been added to section 68 which is now renumbered as section 68 (1) and (2).

The words "or remain in" have been introduced into section 68 (1) and relate to the passenger who overrides beyond the station to which he has a proper pass or ticket.

The new sub-section 68 (2), coupled with the new proviso to section 113 (3), now makes the issue of a certificate a general practice and no penalty is recoverable from the traveller who has with him a certificate granted under this sub-section.

I am to ask that Administrations will consider the feasibility of extending the authorization to grant certificates to selected station staff and travelling ticket examiners in addition to the guards of trains. Arrangements should be made for printing the required form of certificate as early as possible.

The Railway Board recognise that in the case of suburban sections the issue of a certificate is either impracticable or unnecessary owing to the frequency of the train service. It is therefore unnecessary to give authorization to staff concerned with these trains.

Section 112 (2).—This section has also been renumbered and a sub-section (2) has been added. The words and figures "or remains in any carriage on a railway in contravention of section 68" have been substituted for the original wording in clause (a). Clause (b) now includes an alternative provision for imprisonment which may extend to three months and it should be noted that either simple or rigorous imprisonment may be awarded by a magistrate at his discretion.

Sub-section (2) expressly excludes the provisions of section 65 of the Indian Penal Code, which otherwise would have limited the term of imprisonment in default to one quarter of the alternative sentence. Imprisonment (either rigorous or simple) up to the full period of three months may therefore be awarded by a magistrate.

Section 113.—The main change relates to the excess charges (commonly referred to as penalty) payable under section 113 (3). In the existing relevant sections, the excess charges may not exceed Rs. 6/-, Re. 1/- and Rs. 3/-, and when the passenger has notified a railway servant before detection of the fact that he is travelling without a proper pass or ticket, the excess charges cannot exceed Re. 1/-, 2 annas or 8 annas, and it is further provided that these excess charges are subject to a maximum corresponding to the fare due. This method of fixing the maximum excess charges made no provision for a proper distinction between a long ticketless journey or a comparatively short one. It was only for the shorter journeys that the excess charges were based on the fare.

The amended section makes the excess charge equal to the actual fares due in all cases, except where the fare due is less than 8 annas [or 2 annas if the passenger is entitled to the benefit of the first proviso to section 113(3)].

The second proviso to that sub-section relieves the passenger in possession of a certificate granted under section 68(2) from payment of any excess charge.

The existing sub-section 113(4) provides for recovery by the magistrate of the fare and excess charge, as if it were a fine, but the magistrate is not empowered to impose imprisonment in default. The amended sub-section enables the magistrate to order imprisonment of either description to a maximum of one month in default of payment.

It will be noted that the amended sub-section specifies that such application may be made only to magistrates holding First or Second class magisterial powers. It is understood that this may necessitate certain fresh appointments of magistrates and it will be necessary for Administrations after reviewing the position to bring the position to the notice of Provincial Governments.

APPENDIX C.—*(concld.)*

The revised sub-section also makes it clear that it is incumbent on the magistrate to satisfy himself that the sum claimed is really due.

Section 113-A.— This is a new section and provides for the removal of a passenger from a railway carriage unless he there and then pays the fare and excess charge demanded under section 113.

It is to be noted the section specifies that removal may be performed by any railway servant authorized by the Administration in this behalf or by any other person whom such railway servant may call to his aid. Administrations will readily appreciate the necessity for careful selection of the categories of staff to be so authorized. It is suggested that authorized staff should be provided with a letter of authority in which the provisions of this section would be included, in order that disputes be avoided as far as possible.

In calling other persons to their aid, the staff should exercise discretion and should avoid calling upon any individuals, assistance by whom would offend the suceptibilities of those to be removed from trains.

The Board expect that Administrations will discourage the removal of passengers at small roadside stations and confine the exercise of this power as far as possible to the larger stations where facilities exist for the subsequent recovery of charges due.

It will be noted further that a person travelling in a higher class than that for which he holds a proper pass or ticket may be removed from that compartment but is not to be prevented from continuing his journey in the class covered by the pass or ticket held.

Special attention is invited to the last proviso of this new section prohibiting the removal of women and children unaccompanied by male passengers between certain hours and limiting such removal to junctions, terminals or headquarters of civil districts. It is essential that this proviso should be rigidly observed.

APPENDIX – I

(Vide page 3).

STANDARD FORM FOR SUBMISSION BY RAILWAYS OF STATISTICS CONNECTED WITH TICKETLESS TRAVEL.

Statement shewing number of passengers found travelling without tickets or with improper tickets and action taken against them under the Indian Railways Act, shewing details of punishment inflicted under Sections 112 and 113, separately or conjointly with Section 132 of the Act for the periods . .

Railway.	Total No. of passengers found travelling without tickets or with improper tickets.	No. of passengers who paid the charges due on demand.	Under Section 112					Under Section 113.					Under Section 132.		
			Let off or acquitted.	Fined.	Imprisoned.	Pending in Courts.	Total.	Let off or acquitted.	Fares recovered	Imprisoned.	Pending in Courts.	Total.	No. of passengers arrested and sent up for trial under Sections 112 and 113.	No. of passengers prosecuted under Section 112 and dealt with under Section 113 included in columns 8 to 12.	No. of menaicants ejected but not prosecuted.
					(a) Rigorous. (b) Simple.					(a) Rigorous (b) Simple.					
1	2	3	4	5		6	7	8	9	10	11	12	13	14	15

Note.—Columns 4, 5 and 10 are the modifications in respect of the corresponding columns of the existing form and column 13 to replace columns 13 to 17.

To

The General Secretary,

Indian Railway Conference Association,

New Delhi.

Dear Sir,

Your letter No.C.25/41 dated 17th June 1941
re: Passengers travelling without tickets.

The Railway has no objection to the proposed "Draft Resolution", but local rules have to be framed after necessary amendments to the Local Railway Act by the Local Legislative Council.

Yours faithfully,

Sd/

General Manager.

Subject

The previous papers connected with this case have been referred to the Law Section for Scrutiny. If approved the corrections advised by the Railway Board will be carried out on receipt of the file.

8.9.41.

Yes

8/9

MSRM—G 84—1000—13-8-41

MYSORE STATE RAILWAY

TEL. ADDRESS:— STATERAIL
TELEPHONE No { Personal 223. Office 395.

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE GENERAL MANAGER, MYSORE STATE RAILWAY, MYSORE. BY TITLE, NOT BY NAME

GENERAL MANAGER'S OFFICE,

RAILWAY SECTION 30 AUG. 1941 GOVERNMENT OF MYSORE

Mysore, 29 August 194

No. 161 /Fl. 5/63

Encls. one

From

K. N. MIRZA, Esqr., B.E., A.M. Inst. C.E., A.R.T.C., M.I.M.E.,
GENERAL MANAGER, MYSORE STATE RAILWAY,
MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
RAILWAY DEPARTMENT, BANGALORE.

Sir,

Amendment to the Mysore State Railway Act on the lines of the Indian Railway Amendment Act- 1941.

Slip 'S'

Further to this office letter No.1048 dated 4th June, 1941, I have the honour to forward herewith for information a copy of letter No. 1979-T dated 19th July 1941 received from the Director, Railway Board, advising correction to the section of the Indian Railways Act as amended.

I have the honour to be,

Sir,

Your most obedient servant,

General Manager.

Ord/

Re corrections have been carried out. May be recorded

ksc.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(Railway Board)

No 1979-T.

Dated New Delhi, the 19th. July 1941.

To

The Agents and General Managers
Assam Bengal,
Bengal and North Western,
Bengal Nagpur,
Bombay, Baroda and Central India,
Madras and Southern Mahratta,
Rohilkund and Kumaon,
South Indian,
Barsi Light and
Dibru-Sadiva Railways.

The General Managers,
Eastern Bengal,
East Indian,
Great Indian Peninsula
North Western,
H.E.H. the Nizam's State
Mysore State,
Darjeeling Himalayan and
Gaekwar's Baroda State Railways.

The Managers,
Dholpur State,
Jaipur State,
Jodhpur,
Bikaner State,
Mewar State,
Jamnagar and Dwarka and
Matheran Light Railways.

The Managers and Engineers-in-Chief,
Bhavnagar State,
Cutch State,
Gondal,
Junagad State and
Morvi Railways.

The Manager and Engineer,
Bengal Provincial Railway.

Messrs. Martin and Company, Managing Agents,
Futwa-Islampur Light etc.. Railways.

Messrs. McLeod and Company, Managing Agents,
Ahmedpur-Kutwa &c. &c. Railways.

Messrs. Octavius Steel and Company, Managing Agents
Dehri-Rohtas Light Railway.

Messrs. MacNeill and Company, Managing Agents,
Jorhat Provincial Railway.

The Managing Agents, Jugadhri Light Railway.

The Finance Member, Gwalior Government.

The Chairman of the Commissioners for the Port of
Calcutta.

The Chairman, Bombay Port Trust.

The Chairman, Madras Port Trust

CORRIGENDUM.

In the draft of section 112(1)(b) of the Indian Railways Act enclosed with the Railway Board's letter No.1979-T., dated the 24th March 1941 as well as in the enclosure "Sections of the Indian Railways Act as amended to the Railway Board's letter No. 1979-T. dated the 4/14th April 1941, for the words - "return journey" read the words 'return ticket".

Deputy Director Railway Board.

8. Statement of principles of Bill to amend the Mysore Railways Act, IV of 1894.

The SECRETARY to GOVERNMENT for RAILWAYS (Mr. D.A. Mehkri) explained the general principles of the Bill as follows:--

Mr. [illegible] said that it was very good amendment that was now proposed by Government. But he wanted to know why even after the transfer of administrative jurisdiction over the Bangalore-Periher and Yesvantapur-Hindupur lines to the Mysore Government, other jurisdiction was still allowed to rest with the Imperial Government. The lines belonged to the Government of Mysore, the rolling stock belonged to it, and all the employees of the railways were its subordinates. This being so, he requested Government to take all the necessary steps to get the entire jurisdiction over the lines transferred to them as early as possible.

The PRESIDENT explained that steps were being taken in that direction.

Mr. [illegible] wanted to assure Government through the President that they could count upon the best cooperation of the house in regard to this matter.

Mr. K. CHENGALARAYA REDDY was also surprised to hear that the jurisdiction was still vesting with a foreign Government when the lines themselves had been returned long ago. The management was taken over in 1936, but till now members of the house were not aware that the transfer was subject to such reservations. It was a very anomalous position so far as the Mysore Government was concerned and they should do everything necessary to regain full and absolute control over the State railways.

The [illegible] replied that he also shared the view that the position was somewhat anamolous. He stated that when the management was arranged to be taken over in 1938 it was expected that full jurisdiction would be given back. But subsequently it was found that that was not the case and the question was still under correspondence with the

Government of India. Government agreed that full jurisdiction should be taken over as early as possible since two Governments could not exercise jurisdiction over one and the same concern.

Mr. A. [illegible] asked what the nature of the difficulty was, in the way of handing over absolute control over the lines in question.

The [illegible] replied that that was exactly what Government wanted the Government of India to state.

Mr. [illegible] stated that the House would give its support to this bill only tentatively, since the amendment would no longer be necessary as a permanent measure when the State Government took over complete jurisdiction over the railway lines in question.

The [illegible] fully appreciated this view-point.

Mr. [illegible] added that even in the Central Assembly, when the question of ticketless travel came up for discussion, there was a very lengthy debate. There was no doubt that ticketless travel should be discouraged, but he was of opinion that a punishment of three months would be too much even as a maximum. He therefore suggested that it must be reduced.

The General principles of the Bill were thereupon put to vote and passed unanimously.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R.L.936. General and Revenue Secretariat,

Dated Bangalore, 14th November 1941.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Mysore Railways Act (Amendment) Bill, together with the statement of objects and reasons.

By Order,

14.11.41

Secretary to Government,

Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350 copies to the Secretariat.

Memo No. R.L.937. Dated Bangalore, 14th Nov. 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Secretary to Government,

Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R.L.936. General and Revenue Secretariat,

Dated Bangalore, 14th November 1941.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Mysore Railways Act (Amendment) Bill, together with the statement of objects and reasons.

By Order,

Sd. H.V. Narayana Rao

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 350 copies to the Secretariat.

Memo No. R.L.937. Dated, Bangalore, 14th Nov. 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Secretary to Government,
Law Department.

BILL TO AMEND THE MYSORE RAILWAYS ACT IV of 1894.

Statement of objects and reasons.

Section 68, 112 and 113 of the Indian Railways Act, 1890, relating to persons travelling without tickets or passes etc., have been amended by the Indian Railways (Amendment) Act No.IV of 1941, which having received the assent of the Governor General on the 17th March 1941, is now the law in British India.

2. This amendment is operative on the Bangalore-Harihar and Yesvantapur-Hindupur (frontier) sections, the jurisdiction over which rests with the Imperial Government.

3. In regard to the other sections of the Mysore State Railway, over which the jurisdiction rests with the Mysore Government, corresponding sections of the Mysore Railways Act, viz., 52, 94 and 95 are proposed to be amended, so as to bring them in line with the corresponding sections of the British Indian Act, as it is considered desirable to have uniform laws on all the sections of the Railway, in the interests of Railway Administration, and thus check ticketless travel.

MYSORE RAILWAYS ACT (AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore Railways Act, 1894, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement.

1. This Act may be called the Mysore Railways (Amendment) Act, 194

2. (1) Section 52 of the Mysore Railways Act, 1894 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered after the word "enter" the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely:-

"(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

Amendment of Section 94, Act IV of 1894.

3. (1) Section 94 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered -

(a) in clause (a), for the words and figures "in contravention of section 52 any carriage on a railway" the words and figures "or remains in any carriage on a railway in contravention of section 52" shall be substituted; and

(b) after the words "shall be punished" the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To the said section as so re-numbered and amended

the following sub-section shall be added, namely:-

"(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, as in force in Mysore, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

Amendment of Section 95, Act IV of 1894.

In section 95 of the said Act, -

(a) for sub-section (3) the following sub-section shall be substituted, namely:-

"(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable";

(b) in sub-section (4), for the words beginning with "the sum payable by him shall" and ending with "be paid to the railway administration" the following words shall

be substituted, namely:-

*Any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration".

Insertion of new section 95A in Act IV of 1894.

5. After section 95 of the said Act the following section shall be inserted, namely:-

Powers to remove persons from railway carriage.

"95-A. Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition ~~xx~~ being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid,

unless he then and there pays the fare and the excess charge which he is liable to pay under section 95:

Provided that nothing in this section shall be deemed to ~~prevent~~ preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or ~~temminal~~ terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M.

BILL TO AMEND THE MYSORE RAILWAYS ACT IV OF 1894

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Statement of Objects and Reasons.

Slips E. & P.

Sections 68, 112 and 113 of the Indian Railways Act, 1890, relating to persons travelling without tickets or passes etc., have been amended by the Indian Railways (Amendment) Act No.IV of 1941, which having received the assent of the Governor General on the 17th March 1941, is now Law in British India.

Para 5 2 of

2. This amendment is operative on the Bangalore-Harihar and Yesvantapur-Hindupur (frontier) sections, the jurisdiction over which rests with the Government ~~of India~~ [Imperial].

Slip K.

3. In regard to the other sections of the Mysore State Railway, over which the jurisdiction rests with the Mysore Government, corresponding sections of the Mysore Railways Act, viz., 52, 94 and 95 are proposed to be amended, so as to bring them in line with the corresponding sections of the British Indian Act, as it is considered desirable to have uniform laws on all the sections of the Railway, in the interests of Railway Administration,

4. The object of the Amending Act is to ~~make~~ bring the provisions and penalties attaching to ticketless travel ~~drastic and deterrent~~ in conformity with the British Act and thus check this growing evil.

MYSORE RAILWAYS ACT (AMENDMENT) BILL.

--

WHEREAS it is expedient to amend the Mysore Railways Act, IV of 1894, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement.

1. This Act may be called the Mysore Railways (Amendment) Act, 194 .

Amendment of Section 52, Act IV of 1894.

2. (1) Section 52 of the Mysore Railways Act, 1894 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered after the word "enter" the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely:-

"(2) A railway servant when granting the permission referred to in sub-section(1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

Amendment of Section 94, Act IV of 1894.

3. (1) Section 94 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered -

(a) in clause (a), for the words and figures "in contravention of section 52 any carriage on a railway" the words and figures "or remains in any carriage on a railway in contravention of

of section 52" shall be substituted; and

(b) after the words "shall be punished" the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely:-

"(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

Amendment of Section 95, Act IV of 1894.

In section 95 of the said Act, -

(a) for sub-section (3) the following sub-section shall be substituted, namely:-

"(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable";

(b) in sub-section (4), for the words beginning with "the sum payable by him shall" and ending with "be paid to the railway administration" the following words shall be substituted, namely; -

"any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration".

Insertion of new section 95A in Act IV of 1894.

5. After section 95 of the said Act the following section shall be inserted, namely:-

Power to remove persons from railway carriage.

"95A. Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the

the place authorised by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 95:

Slip K

Slip X

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M."

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Secretary for Railways
Govt., of Mysore.

NOTIFICATION.

No. Rl. 936, *dated Bangalore, the* 14*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Railways Act (Amendment) Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

BILL TO AMEND THE MYSORE RAILWAYS ACT, IV OF 1894.

Statement of Objects and Reasons.

Sections 68, 112 and 113 of the Indian Railways Act, 1890, relating to persons travelling without tickets or passes, etc., have been amended by the Indian Railways (Amendment) Act, No. IV of 1941, which, having received the assent of the Governor-General on the 17th March 1941, is now the law in British India.

2. This amendment is operative on the Bangalore-Harihar and Yesvantapur-Hindupur (Frontier) sections, the jurisdiction over which rests with the Imperial Government.

3. In regard to the other sections of the Mysore State Railway, over which the jurisdiction rests with the Mysore Government, corresponding sections of the Mysore Railways Act, *viz.*, 52, 94 and 95 are proposed to be amended so as to bring them in line with the corresponding sections of the British Indian Act, as it is considered desirable to have uniform laws on all the sections of the Railway in the interests of Railway Administration, and thus check ticketless travel.

Notes on Clauses.

Clause 2 (1).—Section 52 makes it an offence for a person to enter a railway carriage for travelling without a proper pass or ticket. Remaining in the carriage for a similar purpose is now proposed to be placed on the same footing as entry in order to prevent cases like over-riding, etc.

Clause 2 (2).—This sub-clause is intended to empower certain authorised railway servants to grant certificates permitting passengers to travel without tickets on condition that they subsequently pay the proper fare and is intended to prevent hardship likely to be caused in certain cases by section 52 (1).

Clause 3 (1).—The penalty of fine liable to be imposed in cases where persons with intent to defraud a railway company travel without tickets is now proposed to be changed into one of imprisonment.

Clause 3 (2).—Under section 65 of the Indian Penal Code, as in force in Mysore, the term of imprisonment in default of payment of fine cannot exceed one quarter of the term of imprisonment which is the maximum fixed for the offence. In the present case, a different rule is proposed to be framed, empowering the court to impose a term of imprisonment up to three months in default of payment of fine though the maximum fixed for the offence is also three months. This would enable Magistrates to impose a fine only (and any term of imprisonment up to three months in default) in deserving cases instead of a substantive sentence of imprisonment in all cases.

Clause 4.—The method of fixing the penalty for travelling without a ticket under the existing provisions makes no proper distinction between a long ticketless journey and a short one. The proposed amendment rectifies this defect and also provides for some relief where the passenger notifies to the railway servant on duty the fact of the charge having been incurred.

The mode of recovery of the excess charge is also proposed to be amended so as to permit of a sentence of imprisonment up to one month in default of payment of the excess charge. The jurisdiction to hear such cases is however proposed to be limited to Magistrates of the First and Second classes only.

Clause 5.—A new section is proposed to be added empowering certain specially authorised railway servants

to remove a person from a railway carriage, when he does not possess a ticket or pass or certificate or permission to so travel, unless he then and there pays the fare due. An exception is made in the case of women and children if unaccompanied by male passengers who can be so removed only between 6 a.m. and 6 p.m. and either at the starting station or a junction or a terminal station.

Mysore Railways Act (Amendment) Bill.

WHEREAS it is expedient further to amend the Mysore Railways Act, 1894, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short tittle and commencement.

1. This Act may be called the Mysore Railways (Amendment) Act, 194

2. (1) Section 52 of the Mysore Railways Act, 1894 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered, after the word "enter", the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and, amended, the following sub-section shall be added namely :—

"(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

Amendment of Section 94, Act IV of 1894.

3. (1) Section 94 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered—

(*a*) in clause (*a*), for the words and figures "in contravention of section 52, any carriage on a railway", the words and figures "or remains in any carriage on a railway in contravention of section 52" shall be substituted; and

(*b*) after the words "shall be punished", the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To the said section as so re-numbered and amended, the following sub-section shall be added, namely:—

"(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, as in force in Mysore, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

Amendment of Section 95, Act IV of 1894

In section 95 of the said Act,—

(*a*) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable";

(*b*) in sub-section (4), for the words beginning with "the sum payable by him shall" and ending with "be paid to the railway administration", the following words shall be substituted, namely:—

"Any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were fine, and the Magistrate if satisfied that the sum is payable, shall order it to be so recovered, and may order that the person liable for the payment shall, in default of payment, suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration

5. After section 95 of the said Act, the following section shall be inserted, namely:— Insertion of new section 95-A in Act IV of 1894.

"95-A. Any person who, without having obtained the permission of a railway servant travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who, being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 95: Powers to remove persons from railway carriage.

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A. M. and 6 P. M.

Bill as passed by the Legislative Council

D. H. Chandrasekharaiah

26/11/41

President

Legislative Council

Printed by the Superintendent at the Government Press, Bangalore.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

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Section. Legis
File No. ~~Ge-41~~ 4
Serial No.

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

the.....~~Sept~~.....*191*

Order No.....R.L.13.24.

Ordered that the accompanying..Act further to amend the Mysore Railways Ac.....

.....

which received the assent of His Highness the Maharaja, on the.....12th.....

Date of issue..... day of.....January..... 1912,

Signed by..... be published as ~~Regulation~~ Act No:...XIV.....

of 1912 in the *Mysore Gazette* for general information.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

27.1.

27.1.12 *Secretary to Government*
Secretary to
Law department

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare ~~copies in Kannada to~~ Kannada as per standard order this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

NOTIFICATION.

No. Rl. 936, *dated Bangalore, the* 14*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Railways Act (Amendment) Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

BILL TO AMEND THE MYSORE RAILWAYS ACT, IV OF 1894.

Statement of Objects and Reasons.

Sections 68, 112 and 113 of the Indian Railways Act, 1890, relating to persons travelling without tickets or passes, etc., have been amended by the Indian Railways (Amendment) Act, No. IV of 1941, which, having received the assent of the Governor-General on the 17th March 1941, is now the law in British India.

2. This amendment is operative on the Bangalore-Harihar and Yesvantapur-Hindupur (Frontier) sections, the jurisdiction over which rests with the Imperial Government.

3. In regard to the other sections of the Mysore State Railway, over which the jurisdiction rests with the Mysore Government, corresponding sections of the Mysore Railways Act, *viz.*, 52, 94 and 95 are proposed to be amended so as to bring them in line with the corresponding sections of the British Indian Act, as it is considered desirable to have uniform laws on all the sections of the Railway in the interests of Railway Administration, and thus check ticketless travel.

Notes on Clauses.

Clause 2 (1).—Section 52 makes it an offence for a person to enter a railway carriage for travelling without a proper pass or ticket. Remaining in the carriage for a similar purpose is now proposed to be placed on the same footing as entry in order to prevent cases like over-riding, etc.

Clause 2 (2).—This sub-clause is intended to empower certain authorised railway servants to grant certificates permitting passengers to travel without tickets on condition that they subsequently pay the proper fare and is intended to prevent hardship likely to be caused in certain cases by section 52 (1).

Clause 3 (1).—The penalty of fine liable to be imposed in cases where persons with intent to defraud a railway company travel without tickets is now proposed to be changed into one of imprisonment.

Clause 3 (2).—Under section 65 of the Indian Penal Code, as in force in Mysore, the term of imprisonment in default of payment of fine cannot exceed one quarter of the term of imprisonment which is the maximum fixed for the offence. In the present case, a different rule is proposed to be framed, empowering the court to impose a term of imprisonment up to three months in default of payment of fine though the maximum fixed for the offence is also three months. This would enable Magistrates to impose a fine only (and any term of imprisonment up to three months in default) in deserving cases instead of a substantive sentence of imprisonment in all cases.

Clause 4.—The method of fixing the penalty for travelling without a ticket under the existing provisions makes no proper distinction between a long ticketless journey and a short one. The proposed amendment rectifies this defect and also provides for some relief where the passenger notifies to the railway servant on duty the fact of the charge having been incurred.

The mode of recovery of the excess charge is also proposed to be amended so as to permit of a sentence of imprisonment up to one month in default of payment of the excess charge. The jurisdiction to hear such cases is however proposed to be limited to Magistrates of the First and Second classes only.

Clause 5.—A new section is proposed to be added empowering certain specially authorised railway servants

to remove a person from a railway carriage, when he does not possess a ticket or pass or certificate or permission to so travel, unless he then and there pays the fare due. An exception is made in the case of women and children if unaccompanied by male passengers who can be so removed only between 6 a.m. and 6 p.m. and either at the starting station or a junction or a terminal station.

Act no XIV of 1942

Mysore Railways Act (Amendment) ~~Bill~~. Act 1942

received the assent of His Highness the Maharaja on the 12th day of January 1942

WHEREAS it is expedient further to amend the Mysore Railways Act, 1894, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Mysore Railways (Amendment) Act, 1942. Short title and commencement.

2. (1) Section 52 of the Mysore Railways Act, 1894 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered, after the word "enter", the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and, amended, the following sub-section shall be added namely :—

"(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

3. (1) Section 94 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered— Amendment of Section 94, Act IV of 1894.

(*a*) in clause (*a*), for the words and figures "in contravention of section 52, any carriage on a railway", the words and figures "or remains in any carriage on a railway in contravention of section 52" shall be substituted; and

(*b*) after the words "shall be punished", the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To the said section as so re-numbered and amended, the following sub-section shall be added, namely:—

"(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, as in force in Mysore, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

4 Amendment of Section 95, Act IV of 1894.

In section 95 of the said Act,—

(*a*) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable"

(*b*) in sub-section (4), for the words beginning with "the sum payable by him shall" and ending with "be paid to the railway administration", the following words shall be substituted, namely:—

"Any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were fine, and the Magistrate if satisfied that the sum is payable, shall order it to be so recovered, and may order that the person liable for the payment shall, in default of payment, suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration"

5. After section 95 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 95-A in Act IV of 1894.

Powers to remove persons from railway carriage.

"95-A. Any person who, without having obtained the permission of a railway servant travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who, being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 95:

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A. M. and 6 P. M.

Sd) N. Madhava Rau
Dewan

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

Order No. R. L. 1324—*Legis.* 45-41-1, *dated Bangalore, the 27th January* 1942.

Ordered that the accompanying Act, further to amend the Mysore Railways Act, 1894, which received the assent of His Highness the Maharaja, on the 12th day of January 1942, be published as Act No. XIV of 1942, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XIV OF 1942.

Mysore Railways Act (amendment) Act, 1942.

(*Received the assent of His Highness the Maharaja on the 12th day of January 1942.*)

WHEREAS it is expedient further to amend the Mysore Railways Act, 1894, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Mysore Railways (amendment) Act, 1942. Short tittle and commencement.

2. (1) Section 52 of the Mysore Railways Act, 1894 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered, after the word "enter" the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and amended, the following sub-section shall be added, namely:— Amendment of section 52, Act IV of 1894.

"(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger

has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

Amendment of section 94, Act IV of 1894.

3. (1) Section 94 of the said Act shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered—

(*a*) in clause (*a*), for the words and figures "in contravention of section 52, any carriage on a railway", the words and figures "or remains in any carriage on a railway in contravention of section 52" shall be substituted; and

(*b*) after the words "shall be punished", the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To the said section as so re-numbered and amended, the following sub-section shall be added, namely:—

"(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, as in force in Mysore, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

of section 95, Act IV of 1894

4. In section 95 of the said Act,—

(*a*) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 52, no excess charge shall be payable";

(*b*) in sub-section (4), for the words beginning with "the sum payable by him shall" and ending with "be paid to the railway administration", the following words shall be substituted, namely :—

"any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were fine, and the Magistrate, if satisfied, that the sum is payable, shall order it to be so recovered, and may order that the person liable for the payment shall, in default of payment, suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration"

Insertion of new section 95-A in Act IV of 1894. Powers to remove persons from railway carriage.

5. After section 95 of the said Act, the following section shall be inserted, namely :—

"95-A. Any person who, without having obtained the permission of a railway servant travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who, being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 53, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 95 :

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket :

Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A. M. and 6 P. M.

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